



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/732,960

12/11/2003

Graham N. Pearce

555255012668

9286

33787 7590 10/18/2007  
JOHN J. OSKOREP, ESQ.  
ONE MAGNIFICENT MILE CENTER  
980 N. MICHIGAN AVE.  
SUITE 1400  
CHICAGO, IL 60611

EXAMINER

STEPHEN, EMEM O

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

10/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/732,960	<b>Applicant(s)</b> PEARCE, GRAHAM N.	
	<b>Examiner</b> EMEM STEPHEN	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19, and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/27/2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 08/01/2007 have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

3. The indicated allowability of claims 11-13 is withdrawn in view of discovered reference(s) to Boltz et al. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2617

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claims 1-19, and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6081731 to Boltz et al. in view of U S. Publication No. 2002/0165012 A1 to Kirbas et al.

Regarding claims 1, and 5, Boltz discloses in a wireless communication device (20) for use by an individual of an enterprise (carries such as AT&T), a method for use in providing restrictions on long distance calls attempted from the wireless communication device through a wireless communication network (col. 1 lines 31-40) with use of a host enterprise server (MSC/VLR service area 12), the method comprising the acts of: regularly performing data synchronization, over a wireless link of the wireless communication network, for data items of a personal information manager application of the wireless device and corresponding data items stores at the host enterprise server (col. 3 lines 30-52), the host enterprise server being connected in a private communication network of the enterprise which is outside of the wireless

Art Unit: 2617

communication network within which the wireless device operates (col. 2 lines 50-53, and col. 3 lines 10-20, service area/network 10 which is the home network is a different service area from service area/network 12 the visitor network); receiving, over a wireless link of the wireless communication network, long distance call restriction information from the host enterprise server in the private communication network (col. 3 lines 10-29, and col. 5 lines 40-50), the host enterprise server having the long distance call restriction information stored in a user profile which is unique to the individual and being one of a plurality of user profiles for the individuals of the enterprise (col. 3 lines 20-25), storing the long distance call restriction information received for the host enterprise server (col. 3 lines 25-29, and col. 5 lines 40-50); determining, at the wireless device of the individual, whether a call attempt from the wireless device is restricted by comparing the call attempt from the wireless device with the long distance call restriction information (col. 5 lines 33-50); if the wireless device determines that the call attempt is restricted by the long distance call restriction information, inhibiting the call attempt from the wireless device over the wireless communication network; and if the wireless device determines that the call attempt is not restricted by the long distance call restriction information, allowing the call attempt from the wireless device for establishing a call over a wireless communication network (col. 1 lines 30-40, and col. 5 lines 59-67). However, Boltz fails to specifically disclose the long distance call being indicative of one or more country codes or area codes.

Kirbas discloses the long distance call being indicative of one or more country codes or area codes (abstract, pars. 3-4, and 21-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Boltz with the teaching of Kirbas for achieving the result of only restricting calls to a particular area code (see par. 3).

Regarding claims 11, and 19, Boltz discloses a communication system, comprising: a host computer network (col. 2 lines 50-53, and col. 3 lines 10-20, service area/network 12); memory in the host computer network; the memory for storing user profile information which is unique to a wireless communication device or a subscriber thereof (col. 3 lines 20-25); the user profile information including long distance call restriction information (col. 3 lines 25-29, and col. 5 lines 40-50); the host computer network configured to transmit the long distance call restriction information to the wireless communication device through a wireless communication network (col. 3 lines 30-52); the wireless communication device including: a radio modem which is configured to receive the long distance call restriction information through the wireless communication network; memory which stores the long distance call restriction information; a user interface which is configured to receive a telephone call attempt from the subscriber of the wireless device; a controller which is configured to: determine (col. 5 lines 33-50, this are well known in the art) whether the call attempt is restricted by comparing the call attempt with the long distance call restriction information; if the call attempt is restricted by the long distance call restriction information, restrict the call attempt from the wireless device; and if the call attempt is not restricted by the long

distance call restriction information, allow the call attempt from the wireless device (col. 5 lines 33-50, and col. 3 lines 50-67).

However, Boltz fails to specifically disclose determine whether the call attempt is restricted by comparing a country code or area code of a telephone number of the call attempt with the one or more country codes or area codes of the long distance call restriction information.

Kirbas discloses determine whether the call attempt is restricted by comparing a country code or area code of a telephone number of the call attempt with the one or more country codes or area codes of the long distance call restriction information (abstract, pars. 3-4, and 21-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Boltz with the teaching of Kirbas for achieving the result of only restricting calls to a particular area code (see par. 3).

**Regarding claims 14 and 16-17,** Boltz discloses in a wireless communication device (20) for use by an individual of an enterprise, a method of providing restrictions on long distance calls from the wireless communication device (col. 1 lines 31-40) comprising the acts of: regularly performing data synchronization, over a wireless link of the wireless communication network, for data items of a personal information manager application of the wireless device and corresponding data items stores at the host enterprise server (col. 3 lines 30-52), the host enterprise server being connected in a private communication network of the enterprise which is outside of the wireless

Art Unit: 2617

communication network within which the wireless device operates (col. 2 lines 50-53, and col. 3 lines 10-20, service area/network 10 which is the home network is a different service area from service area/network 12 the visitor network);

receiving from a user interface of a wireless device of the individual, a selection of plurality of telephone call digits of a telephone number associated with a telephone call attempt for a telephone call from the wireless device (col. 6 lines 23-24, call originating from a mobile subscriber, inherently, calls attempted are by a dialing a plurality of digits): in response to the telephone call attempt: transmitting to the host enterprise server(VLR 16) of the private communication network (col. 3 lines 54-67, and col. 6 lines 44-57), a query request to identify whether the telephone call to the telephone number should inhibited based on long distance call restriction information stored in the host enterprise server (col. 3 lines 10-67). However, Boltz fails to disclose identify whether the call attempt is restricted by comparing a country code or area code of a telephone number of the call attempt with the one or more country codes or area codes of the long distance call restriction information.

Kirbas discloses determine whether the call attempt is restricted by comparing a country code or area code of a telephone number of the call attempt with the one or more country codes or area codes of the long distance call restriction information (abstract, pars. 3-4, and 21-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Boltz with the teaching of Kirbas for achieving the result of only restricting calls to a particular area code (see par. 3).



**Regarding claims 2-3, 6, and 13, the combination of Boltz and Kirbas**

discloses the wireless device and system of claims 1 and 11, acts of the method are performed for each one of a plurality of wireless communication devices associated with the plurality of user profiles of the enterprise, and wherein the memory of the host server is for storing a plurality of user profiles which are unique to each user or subscriber (col. 3 line 20-29).

**Regarding claim 4, 9, and 21, the combination of Boltz and Kirbas** discloses

wherein data items do the personal information manager application comprise at least one of email and message data items and calendar event data items (this is well known in the art with mobile phones).

**Regarding claims 7, and 8, the combination of Boltz and Kirbas** discloses

the wireless device of claim 5, wherein the long distance call restriction information comprises the one or more country codes (pars. 3-4).

**Regarding claim 10, the combination of Boltz and Kirbas** discloses the

wireless device of claim 5, further comprising: a smart card interface for receiving a smart card; and wherein the radio modem receives long distance call restriction information of the user profile which uniquely corresponds to an identifier stored on the smart card (Kirbas, see figure 1, and paragraph 0017).

**Regarding claim 12, the combination of Boltz and Kirbas** discloses the communication system of claim 11, wherein the host server is configured to connect with the host computer network, which is a private communication network (col. 2 lines 50-53, and col. 3 lines 10-20, service area/network 10 which is the home network is a different service area from service area/network 12 the visitor network).

**Regarding claim 15, the combination of Boltz and Kirbas** discloses the method of claim 14, comprising the further act of: transmitting the query only if the telephone number is identified as being a long distance telephone number (Kirbas, paragraphs 0006, and 0022).

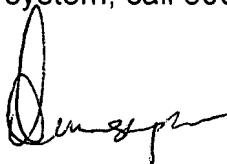
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM STEPHEN whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571 272 7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ES

10/12/2007



LESTER G. KINCAID  
SUPERVISORY PRIMARY EXAMINER